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Amendment No. 1 to HJR0096

Kisber

Signature of Sponsor

AMEND <SB>

House Joint Resolution No. 96*

by deleting all language in the resolution in its entirety, including the caption, and by substituting instead the following:

A RESOLUTION to direct the house committee on consumer and employee affairs to study methods of augmenting remedies for violation of civil rights relating to race, ethnicity, religion, gender or any sensory, physical or mental disability; to study wage disparity in the workplace and the disparity between wages for state employees as compared to comparable employees in the private sector; and to study issues pertaining to the prevailing wage.

WHEREAS, every day, in almost any arena of human existence, there occur numerous instances of discrimination, intimidation, or violence based upon race, religion, ethnicity, gender or disabilities somewhere within this state and nation; and

WHEREAS, citizens of this state who are sensitive to matters of justice and fairness will agree that the status of a full civil right should be a part of the right to obtain and hold employment; to enjoy accommodations, advantages, facilities or privileges of places of public resort, accommodation, assemblage or amusement; to engage in property transactions; to engage in credit and other contractual transactions; and to vote and fully participate in the political process. These and many other aspects of life should be free from discrimination, intimidation or threat of violence; and

WHEREAS, citizens of this state should be afforded efficacious and easily accessible remedies in law to seek relief from such acts of discrimination, intimidation, threats of violence,

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actual violence and vandalism of personal property which constitute violations of basic civil rights; and

WHEREAS, there is a need for a comprehensive reexamination of the role that federal and state law play in the daily deterrence of violations of basic civil rights because of race, religion, ethnicity, gender and various disabilities; and

WHEREAS, women of today work for pay in greater numbers, in more occupations and for more years of their lives than ever before; and

WHEREAS, Title VII of the Civil Rights Act of 1964, provided a critical foundation for women seeking greater opportunities in the workplace and a paycheck free from stereotypes about the value of women's work; and

WHEREAS, legislative efforts are currently under way at the Federal level which call for enhanced enforcement of equal pay laws, as well as additional policy initiatives and improved training for government agencies charged with enforcing equal pay requirements under the law; and

WHEREAS, the issue of equal pay continues to resonate among women in the 1990s, as illustrated by a 1994 survey conducted by the Department of Labor, Women's Bureau, which found that improving pay and benefits was one of working women's three main priorities for change, along with balancing work and family and gaining respect and opportunity on the job; and

WHEREAS, according to the Department of Labor and Industry, Bureau of Research and Statistics, the trend is that more women are entering the labor force; and

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WHEREAS, women's share of the labor force will continue to increase, exceeding 47% as a larger proportion of women look for jobs; and

WHEREAS, the effects of wage disparity can follow women throughout their lives, since pension and Social Security benefits are based on pay earned while working; and

WHEREAS, the existence of pay disparities:

(1) can depress the wages of working families who rely on the wages of all members of the family to make ends meet; and

(2) can prevent the maximum utilization of the available labor resources; and

WHEREAS, there is a need for a comprehensive reexamination of the role that Federal and State laws play in the daily deterrence of workplace wage discrimination; and

WHEREAS, there is a need to study issues pertaining to the prevailing wage law in Tennessee; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the committee on consumer and employee affairs of the house of representatives shall study the remedies available to citizens who have suffered violations of their civil rights because of race, religion, ethnicity, gender and disabilities under federal and state laws, to determine methods by which such remedies may be made more accessible, and to clarify the applicability of such remedies to United State Constitution First Amendment rights, religious corporations or other religious entities, sovereign immunity of the state, and underwriting and other risk assessment practices.

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BE IT FURTHER RESOLVED, That the committee shall conduct a review and study of Title VII of the Civil Rights Act of 1964 to determine its effectiveness in deterring wage disparity in the workplace, a review of current Federal and State laws to determine if additional policy initiatives or outreach programs or legislation is needed to ensure equal pay in this state, a review of current training and funding mechanisms to determine if government agencies have the tools and resources they need to identify and pursue equal pay violations, a study of Federal policy initiatives addressing wage disparity as they may apply to Tennessee, and a study of the disparity between wages for state employees as compared to comparable employees in the private sector.

BE IT FURTHER RESOLVED, That the committee shall conduct a study of the Prevailing Wage Act of 1975 under title 12, chapter 4, part 4 and shall make recommendations to the house of representatives concerning the original printed version of House Bill 1194 introduced on February 8, 2001, including but not limited to the effects of adding or not adding fringe benefits to the prevailing wage calculation under title 12, chapter 4, part 4.

BE IT FURTHER RESOLVED, That the committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundred Third General Assembly no later than February 1, 2003.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the committee upon request of the chair.